

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

FRANCISCAN ALLIANCE, INC., *et al.*,

Plaintiffs,

v.

No. 7:16-cv-00108

NORRIS COCHRAN, Acting Secretary of
the United States Department of
Health and Human Services,¹ *et al.*,

Defendants.

DEFENDANTS' RESPONSE TO THE COURT'S JANUARY 24, 2017 ORDER

The Court has directed each party “to file a pleading responsive to Putative Intervenor’s request for permissive intervention,” noting that “Defendants have . . . ‘take[n] no position on permissive intervention’” and “have not addressed whether granting Putative Intervenor’s request for permissive intervention would cause them any potential prejudice or delay.” Order at 8 (Jan. 24, 2017), ECF No. 69 (quoting Defs.’ Response to Mot. to Intervene of River City Gender Alliance and ACLU of Texas at 1 (Oct. 7, 2016), ECF No. 19); *see also* Defs.’ Response to Prop. Intervenor’s Mot. for Ruling on Intervention & Stay of P.I. Pending Appeal at 1 (Jan. 17, 2017), ECF No. 65 (“Defendants . . . take no position on permissive intervention”). Defendants continue to take no position on permissive intervention, and do not believe that “intervention [would] unduly delay or prejudice the adjudication of [Defendants’] rights.” Fed. R. Civ. P. 24(b)(3).

¹ Norris Cochran, Acting Secretary of the United States Department of Health and Human Services, “is automatically substituted as a party” for Sylvia Burwell. Fed. R. Civ. P. 25(d).

Dated: February 8, 2017

Respectfully Submitted,

CHAD A. READLER
Acting Assistant Attorney General

JENNIFER D. RICKETTS
Director, Federal Programs Branch

SHEILA M. LIEBER
Deputy Director, Federal Programs Branch

/s/ Adam Grogg
ADAM GROGG
EMILY BROOKE NESTLER
BAILEY W. HEAPS
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave. NW
Washington, DC 20530
phone: (202) 514-2395
fax: (202) 616-8470
email: adam.a.grogg@usdoj.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2017, I electronically filed a copy of the foregoing. Notice of this filing will be sent via email to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

/s/ Adam Grogg
ADAM GROGG